

Supreme Court, U.S.  
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IN THE  
SUPREME COURT OF THE UNITED STATES  
OCTOBER TERM, 1979

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NO. 78-6386

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WILLIAM JAMES RUMMEL,  
*Petitioner*  
V.

W. J. ESTELLE, JR., DIRECTOR,  
TEXAS DEPARTMENT OF CORRECTIONS,  
*Respondent*

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On Writ Of Certiorari To The  
United States Court Of Appeals  
For The Fifth Circuit

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SUPPLEMENT TO  
BRIEF FOR THE RESPONDENT

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**Tex. Rev. Civ. Stat. Ann. art. 6181-1 (Vernon):**

**Section 1. For the purpose of this Article:**

(1) "Department" means the Texas Department of Corrections.

(2) "Director" means the Director of the Texas Department of Corrections.

(3) "Inmate" means a person confined by order of a court in the Texas Department of Corrections, whether he is actually confined in the institution or is under the supervision or custody of the Board of Pardons and Paroles.

(4) "Term" means the maximum term of confinement in the Texas Department of Corrections stated in the sentence of the convicting court. When two or more sentences are to be served consecutively and not concurrently, the aggregate of the several terms shall be considered the term for purposes of this Article. When two or more sentences are to run concurrently, the term with the longest maximum confinement will be considered the term for the purposes of this Article.

**Sec. 2.** The department shall classify all inmates as soon as practicable upon their arrival at the department and shall reclassify inmates as circumstances may warrant. All inmates shall be classified according to their conduct, obedience, industry, and prior criminal history. The director shall maintain a record on each inmate showing all classifications and reclassifications with dates and reasons therefor.

**Sec. 3. (a)** Inmates shall accrue good conduct time based upon their classification as follows:

(1) 20 days for each 30 days actually served while the inmate is classified as a Class I inmate;

(2) 10 days for each 30 days actually served while the

inmate is classified as a Class II inmate; and

(3) 10 additional days for each 30 days actually served if the inmate is a trusty.

(b) No good conduct time shall accrue during any period the inmate is classified as a Class III inmate or is on parole or under mandatory supervision.

Sec. 4. Good conduct time applies only to eligibility for parole or mandatory supervision as provided in Section 15, Article 42.12, Code of Criminal Procedure, 1965, as amended, and shall not otherwise affect the inmate's term. Good conduct time is a privilege and not a right. Consequently, if during the actual term of imprisonment in the department, an inmate commits an offense or violates a rule of the department, all or any part of his accrued good conduct time may be forfeited by the director. The director may, however, in his discretion, restore good conduct time forfeited under such circumstances subject to rules and policies to be promulgated by the department. Upon revocation of parole or mandatory supervision, the inmate loses all good conduct time previously accrued, but upon return to the department may accrue new good conduct time for subsequent time served in the department.

**Tex. Code Crim. Proc. Ann. art. 42.12 (Vernon)**

Sec. 12. The Board of Pardons and Paroles created by Article 4, Section 11 of the Constitution of this State, shall administer the provisions of this Act respecting determinations of which prisoners shall be paroled from an institution operated by the Department of Corrections, the conditions of parole and mandatory supervision, and may recommend the revocation of releases to mandatory supervision, paroles, and conditional pardons by the Governor. Keeping the goals of this Act in mind, the Board shall have the authority to determine the degree and intensity of supervision a prisoner released on parole or released to mandatory supervision should receive.

\* \* \*

Sec. 15. (a) The Board is authorized to release on parole, with the approval of the Governor, any person confined in any penal or correctional institution of this State who is eligible for parole under Subsection (b) of this Section. The period of parole shall be equivalent to the maximum term for which the prisoner was sentenced less calendar time actually served on the sentence. All paroles shall issue upon order of the Board, duly adopted and approved by the Governor.

(b) A prisoner under sentence of death is not eligible for parole. If a prisoner is serving a sentence for the offenses listed in Section 3f(a)(1) of this Article (capital murder, aggravated kidnapping, aggravated rape, aggravated sexual abuse, and aggravated robbery, under Secs. 19.03, 20.04, 21.03, 21.05, and 29.03, respectively, 1974 V.T.C.A. Penal Code) or if the judgment contains an affirmative finding under Section 3f(a)(2) of this Article, (use of a deadly weapon during the commission of a felony offense or during immediate flight therefrom) he is not eligible for release on parole until his actual calendar time served, without

consideration of good conduct time, equals one-third of the maximum sentence or 20 calendar years, whichever is less, but in no event shall he be eligible for release on parole in less than two calendar years. All other prisoners shall be eligible for release on parole when their calendar time served plus good conduct time equals one-third of the maximum sentence imposed or 20 years, whichever is less.

(c) A prisoner who is not on parole, except a person under sentence of death, shall be released to mandatory supervision by order of the Board when the calendar time he has served plus any accrued good conduct time equal the maximum term to which he was sentenced. A prisoner released to mandatory supervision shall, upon release, be deemed as if released on parole. To the extent practicable, arrangements for the prisoner's proper employment, maintenance, and care shall be made prior to his release to mandatory supervision. The period of mandatory supervision shall be for a period equivalent to the maximum term for which the prisoner was sentenced less calendar time actually served on the sentence. The time served on mandatory supervision is calculated as calendar time. Every prisoner while on mandatory supervision shall remain in the legal custody of the institution from which he was released but shall be amenable to the orders of the Board.

(d) A prisoner who has not been released to mandatory supervision and has 180 calendar days or less remaining on his sentence may be released by order of the Board to mandatory supervision.

(e) Within one year after a prisoner's admittance to the penal or correctional institution and at such intervals thereafter, as it may determine, the Board shall secure and consider all pertinent information regarding each prisoner, except any under sentence of death, including the circumstances of his offense, his previous social history and criminal record, his conduct,

employment and attitude in prison, and his physical and mental health.

\* \* \*

(g) The Board may adopt such other reasonable rules not inconsistent with law as it may deem proper or necessary with respect to the eligibility of prisoners for parole and mandatory supervision, the conduct of parole and mandatory supervision hearings, or conditions to be imposed upon parolees and persons released to mandatory supervision. . . .

\* \* \*

Sec. 20. The Board shall have the power and duty to make rules for the conduct of persons placed on parole and of persons released to mandatory supervision.

**RULES, TEXAS BOARD OF PARDONS  
AND PAROLES**

**Terms and Conditions of Parole**

**Sec. 205.03.02.001** The following terms and conditions of parole must be agreed to and accepted by the inmate as a pre-requisite to parole. Continuation on parole is conditioned upon continuing compliance with the standard terms and conditions of parole and upon compliance with any special conditions imposed by a Parole Panel.

**(a) Release and Reporting:**

(1) I shall go directly to the destination approved by the Board of Pardons and Paroles.

(2) Upon arrival I shall report (*as instructed*) immediately to the Parole Officer or person whose name and address appears on my parole certificate.

(3) I shall submit a full and truthful report to my Parole Officer, on forms provided for that purpose, before the fifth (5th) day of each month or as instructed by my Parole Officer.

(4) I shall promptly and truthfully answer all inquiries directed to me and furnish all information requested of me by the Board of Pardons and Paroles or by my Parole Officer.

(5) If at any time it becomes necessary to communicate with my Parole Officer for any purpose and he is not available, I shall direct my communication to the Board of Pardons and Paroles, Room 711, Stephen F. Austin Building, Austin, Texas, 78701, telephone (area code 512) 475-4525 or 475-3363.

**(b) Employment and Residence:**

(1) I shall report to my place of employment; work

diligently in a lawful occupation; and support my dependents, if any, to the best of my ability.

(2) I shall secure the *written* permission of my Parole Officer before changing my residence or place of employment, and will allow my representative of the Board of Pardons and Paroles to visit my residence and place of employment at any reasonable time.

**(c) Travel:**

I shall secure the *written* permission of my Parole Officer before I leave the state to which I am paroled; I will secure *written* permission of my Parole Officer to travel beyond the boundaries of the counties adjoining the county to which I am paroled.

**(d) Alcohol and Drugs:**

(1) I shall not use alcoholic beverages or liquors to excess or in a manner injurious to my parole.

(2) I shall not go into, remain about, or frequent business establishments whose primary function is the sale or dispensing of alcoholic beverages or liquors for on-premises consumption.

(3) I shall not illegally possess, use, or traffic in any narcotic drugs, marijuana, or other controlled substances. I further agree to participate in chemical abuse treatment programs in accordance with instructions from my Parole Officer.

(4) I shall freely cooperate and voluntarily submit to medical and/or chemical tests and examinations for the purpose of determining whether or not I am using or am under the influence of alcohol, narcotic drugs, marijuana, or other controlled substance.

**(e) Weapons:**

I shall not own, possess, use, sell nor have under my

control any firearms or other prohibited weapon.

(f) Associates:

(1) I shall avoid association with persons of criminal background unless specifically approved by my Parole Officer in *writing*.

(2) I shall not enter into any agreement to act as an "informer" or special agent for any law enforcement agency.

(g) Legal Obligation:

I shall obey *all* municipal, county, state, and federal laws.

(h) General Provisions:

(1) I shall consult with my Parole Officer before entering marriage.

(2) I agree to abide by any special conditions of parole as stipulated in writing by the Board of Pardons and Paroles or my Parole Officer.

(3) I hereby agree to abide by all rules of parole and all laws relating to the revocation of parole, including, but not limited to, appearance at any hearings or proceedings required by the law of the jurisdiction in which I may be found or of the state of Texas. I further agree and consent that the receiving state, if I am under compact supervision, or any state wherein I may be found while on parole or under parole jurisdiction, may conduct such hearings as the Board shall deem proper or which may be required by law.

\* \* \*

## ANNUAL REPORTING STATUS

### Sec. 205.03.02.005. Annual Report Status

(a) Annual report status is a parolee status which releases the parolee from the original terms and conditions of parole, releases the parolee from the direct supervision of a Parole Officer, and is conditional upon the parolees acceptance of and compliance with the Annual Report Rules.

(b) A parolee may be considered for annual report status upon the recommendation of his/her Parole Officer after having been satisfactorily under parole supervision for:

(1) A minimum of 12 months if paroled from a sentence of less than 10 years; or

(2) A minimum of 18 months if paroled from a sentence for a term of 10 or more years; or

(3) A minimum of two years if paroled from a life sentence.

(4) A minimum of three years if paroled as an habitual criminal from a life sentence (as amended effective Aug. 31, 1979).

(c) A recommendation for transfer to annual report status must be approved by the Director of the Division of Parole Supervision or his/her designated staff representative.

(d) Transfer to annual report status in no way affects the authority of a Parole Panel to recommend the revocation or the authority of the Governor to revoke a parole. The parolee remains subject to the jurisdiction of the Board and subject to its orders while on annual report status.

(e) A Parole Panel may at its discretion and without

notice set aside an order of transfer to annual report status and impose any additional rules of parole as the Parole Panel may deem to be proper.

(f) The rules for a parolee on Annual Report status are:

(1) Each year, from the date of the acceptance of this order for annual report, the parolee will submit, in writing, to the Director, Division of Parole Supervision, 711 Stephen F. Austin Building, Austin, Texas, 78701, a report showing his employment and residence. This Annual Report will be made until the term of his parole expires. Failure to submit this report each year could result in his being returned to active parole supervision, or the issuance of a pre-revocation warrant for his arrest and possible return to the Texas Department of Corrections.

(2) The parolee will in all respects conduct himself honorably, obey all federal, state and municipal laws and ordinances, work diligently at a lawful occupation, and support his dependents, if any, to the best of his ability.

(3) The parolee will not associate with persons having a criminal record and will not communicate with any inmate of a penal institution nor visit any such institution, unless requested in writing to do so by a warden or general manager of the penal institution; the original or a copy of such request shall be immediately sent to the Director, Division of Parole Supervision, 711 Stephen F. Austin Building, Austin, Texas, 78701, by the parolee.

(4) The parolee will cooperate with and abide by any written instructions given by the Board of Pardons and Paroles, or any of its duly authorized officers.

(5) The parolee will not own, possess, use, sell, nor have under his or her control any firearms or other prohibited weapons.

## NON-REPORTING STATUS

### Sec. 205.03.02.007. Non-reporting Status.

(a) Non-reporting status is a parolee status which releases the parolee from the terms and conditions of annual report status and is conditional upon the parolee's acceptance of and compliance with the non-reporting status rules.

(b) A parolee may be considered for non-reporting status upon the recommendation of his or her parole officer after having been on annual report status for four years; if,

(1) There has been no disciplinary action taken for that period; and,

(2) There have been no convictions for violations of the penal law, either of the felony or misdemeanor grade.

(c) A recommendation for transfer to non-reporting status must be approved by the executive director of the Board of Pardons and Paroles or his or her designated representative.

(d) Transfer to non-reporting status in no way affects the authority of the Governor to revoke a parole. The parole shall remain subject to the jurisdiction of the Board and subject to its orders while on non-reporting status.

(e) A parole panel may, at its discretion and without notice, set aside an order of transfer to non-reporting status and impose any additional rules of parole as the parole panel may deem to be proper.

(f) The rule for a parolee on non-reporting status is: The parolee will in all respects conduct himself or herself honorably, obey all federal, state and municipal laws and ordinances; work diligently at a lawful occupation; and support his or her dependents, if any, to the best of his or her ability.

**GOOD TIME ALLOWANCES FOR STATE DEPARTMENTS OF CORRECTIONS (1973)**

I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Good Time Allowances	Additional Good Time Allowances	Rate of Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility
Ala.	1845	6mo-1 yr 1-3 yr 3-5 yr 5-10 yr Remaining	5days/mo 6days/mo 7days/mo 8days/mo 10days/mo	Meritorious In- dustrial Pro- duction	1st yr 3days/mo 2nd, 3rd, 4th yr 4days/mo 5th+yr 5days/mo	Life Murder 1st	No effect
							Credited to maximum sentence to advance discharge
Alas.	1560	6mo-1 yr 1-3 yr 3-5 yr 5-10 yr Remaining	5days/mo 6days/mo 7days/mo 8days/mo 10days/mo	Blood Donation	50 days/yr		
Ariz.	1901	1st yr 2nd yr 3rd yr 4th yr 5th yr Remaining	60days/yr 60days/yr 120days 120days 150days 150days/yr	Trusty status	Good time allowances are doubled	All eligible	Credited to minimum sentence for 1st offenders only.
							Credited to maximum sentence to advance parole eligibility for 2nd offenders or more
Ark.	1867	Class I Class II Class III Class IV	30days/mo 20days/mo 30days/mo None	None		All eligible	Credited to minimum sentence to advance parole eligibility.
							Credited to maximum sentence to advance parole eligibility
Cal.	Repealed 1948						
Colo.	1876	1st yr 2nd yr 3rd yr 4th yr 5th yr Remaining	60days/yr 60days/yr 120days/yr 120days/yr 150days/yr 150days/yr	Meritorious ser- vice or out- standing service	5 days/mo	All eligible	Credited to minimum sentence to advance parole eligibility
Conn.	1862	1-5 yr 6th yr Remaining	5days/mo 7days/mo 7days/mo	Meritorious achievement Employment for 6 months	5 days/mo 26 days		Credited to minimum sentence to advance discharge
Del.	1891	1st yr 2nd yr 3rd yr 4th yr Remaining	5days/mo 7days/mo 9days/mo 10days/mo 10days/mo	Participation in rehabilitation progress	5 days/mo	All eligible	Credited to maximum sentence to advance parole eligibility

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I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Good Time Allowances	Additional Good Time Allowances	Rate of Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility
Cal.	Repealed 1948						
Colo.	1876	1st yr 2nd yr 3rd yr 4th yr 5th yr Remaining	60days/yr 60days/yr 120days/yr 120days/yr 150days/yr 150days/yr	Meritorious achievement Employment for 6 months	5 days/mo 26 days	All eligible	Credited to minimum sentence to advance parole eligibility
Conn.	1862	1-5 yr 6th yr Remaining	5days/mo 7days/mo 7days/mo	Participation in rehabilitation progress	5 days/mo	All eligible	Credited to minimum sentence to advance discharge
Del.	1891	1st yr 2nd yr 3rd yr 4th yr Remaining	5days/mo 7days/mo 9days/mo 10days/mo 10days/mo	Outstanding meritorious performance	120 days max.		Credited to maximum sentence to advance parole eligibility

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I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Discharge and/or Release
D.C.	1901	1mo-1yr 1-3 yr 3-5 yr 5-10 yr 10th yr Remaining	5days/mo 6days/mo 7days/mo 8days/mo 10days/mo 10days/mo	Blood Donation Meritorious conduct, volunteer programs, industrial	30 days/yr Lump sum or 1st yr 3days/mo 2nd+yr 5days/mo	Life No effect	Credited to maximum sentence to advance conditional release
Fla.	1871	1st yr 2nd yr 3rd yr 4th yr 5th yr Remaining	5days/mo 5days/mo 7days/mo 10days/mo 15days/mo 15days/mo	Extra gain time Special gain time Special gain time	1-6 days/mo 1-15 days/mo 1-60 days flat reduction	All eligible No effect	Credited to maximum sentence to advance conditional release
Ga.	1856	1st yr 2nd yr 3-10 yr Remaining	1mo/yr 2mo/yr 3mo/yr 4mo/yr	Exemplary conduct	Set by board of corrections	Life No effect	Credited to minimum sentence to advance conditional release
Ida.	1873	6mo-1yr 1-3 yr 3-5 yr 5-10 yr Remaining	5days/mo 6days/mo 7days/mo 8days/mo 10days/mo	Incentive credits Extra meritorious outstanding services	Restoration of forfeited good time 1-5 days/mo or Lump sum not to exceed 10 days	Life Parole eligibility	Credited to maximum sentence to advance discharge
Ha.		None					

I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Discharge and/or Release
Ill.	1863	1st yr 2nd yr 3rd yr 4th yr 5th yr 6th yr Remaining	1mo/yr 2mo/yr 3mo/yr 4mo/yr 5mo/yr 6mo/yr 6mo/yr	Institutional credits for excellent or special conduct and participation in rehabilitation programs	Advance appearance before parole board by 30, 60, or 90 days	All eligible	Credited to minimum sentence to advance parole eligibility. Credited to 1/3 of maximum sentence to advance parole eligibility
Ind.	1861	1st yr 2nd yr 3rd yr 4th yr 5th yr Remaining	1mo/yr 2mo/yr 3mo/yr 4mo/yr 5mo/yr 5mo/yr	None	Life Habitual Murder list	Credited to minimum sentence to advance parole eligibility for indeterminate sentence only	Credited to maximum sentence to advance discharge
Iowa	1878	1st yr 2nd yr 3rd yr 4th yr 5th yr Remaining	1mo/yr 2mo/yr 3mo/yr 4mo/yr 5mo/yr 6mo/yr	Trusty honor time	10 days/mo	Life No effect	Credited to maximum sentence to advance discharge
Kan.	1867	1st yr 2nd yr 3rd yr Remaining	60days/yr 120days/yr 160days/yr 180days/yr	Incentive credit	2½ days/mo	All eligible	Credited to minimum sentence to advance parole eligibility and discharge

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I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Discharge and/or Release
Ky.	1876	1-10 days/mo	None		Life	No effect	Credited to maximum sentence to advance discharge
La.	1862	25 days/no flat	None		Life	No effect	Credited to maximum sentence to advance discharge
Nie.	1858	7 days/no flat	Meritorious conduct, special job assignment	2 days/mo	All eligible	Credited to minimum sentence to advance parole eligibility	Credited to maximum sentence to advance conditional release
Md.	1916	5 days/no flat	Special duties vocational and/or educational participation	5 days/mo	All eligible	Credited on life sentence to advance parole eligibility	Credited to maximum sentence to advance conditional release
Mass.	1857	4mo-1 yr 1-2 yr 2-3 yr 3-4 yr Remaining	Prison camp Blood Donation	2½ days/mo 5 days 10days/mo	Life Murder 1st Sex Offenders convicted for 2nd offense while con- fined	Additional good time allowances only credited to minimum sentence to advance parole eligibility	Credited to maximum sentence to advance conditional release

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I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Discharge and/or Release
Nich.	1857	1-2 yr 3-4 yr 5-6 yr 7-9 yr 10-14 yr 15-19 yr Remaining	Trusty, meritorious conduct	½ regular good time allowances	Life for Murder 1st Degree	Credited to minimum sentence to advance parole eligibility	Credited to maximum sentence to advance conditional release
Winn.	1867	1mo-1 yr 1-2 yr 2-3 yr Remaining	5days/mo 7days/mo 9days/mo 10days/mo		Life	Credited to maximum sentence to advance parole eligibility	Credited to maximum sentence to advance conditional release
Miss.	1892	1st yr 2nd yr 3rd yr 4th yr 5th yr 6th yr 7th yr 8th yr 9th yr 10th yr Remaining	3days/mo 4days/mo 5days/mo 6days/mo 7days/mo 8days/mo 9days/mo 10days/mo 11days/mo 12days/mo 13days/mo 14days/mo 15days/mo	Extra seri- torious conduct Overtime or Sunday work Blood Donation	Increase allow- ances Equivalent allowances 10 days	All eligible No effect	Credited to maximum sentence to advance discharge

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I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Discharge and/or Release
No.	1879	Maximum sentence reduced by 1/4 by parole board	Incentive time, meritorious service	5 days/mo to 10days/mo	Life	No effect	Credited to maximum sentence to advance discharge
Mont.	1877	10 days/mo inside walls 13 days/mo outside walls 15 days/no outside walls	Blood Donation Meritorious conduct, school attendance, rehabilitation programs	10 days 13 days/mo	All eligible	Credited to maximum sentence to advance parole eligibility	Credited to maximum sentence to advance discharge
Nebr.	1875	1st yr 2mo 2nd yr 2mo 3rd yr 3mo 4th yr 4mo Remaining 4mo/yr	Meritorious conduct or exceptional performance	1-5days/mo	Life	Credited to minimum sentence to advance parole eligibility	Credited to maximum sentence to advance mandatory release.
N.H.	1867	90 days/yr flat	Blood Donation, Meritorious conduct	5 days	All eligible	Credited to minimum sentence to advance parole eligibility	Credited to maximum sentence to advance discharge
Nevada	1887	1-2 yr 2mo/yr 3-4 yr 4mo/yr 5th yr 5mo/yr Remaining 5mo/yr	Blood Donation, program and work participation	Determined by state board of parole committee	All eligible	Credited to minimum sentence to advance parole eligibility	Credited to maximum sentence to advance discharge

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I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Discharge and/or Release
N.J.	1868	1st yr 7days/mo 2-6 yr 8days/mo 7-11 yr 10days/mo 12-16 yr 11days/mo 17-21 yr 12days/mo 22-24 yr 13days/mo 25-29 yr 15days/mo Remaining 16days/mo	Productive occupation Honor camp, farm camp	5 days work/1 day	Sex Offender	Credited to maximum and minimum sentence to advance parole eligibility	Credited to maximum sentence to advance discharge
N.Y.	1889	1st yr 1mo/yr 2nd yr 2mo/yr 3rd yr 3mo/yr 4th yr 4mo/yr 5th yr 5mo/yr 6th yr 6mo/yr Remaining 6mo/yr	Meritorious service and conduct Honor farm Blood Donation Exceptional meritorious service or conduct	10 days/mo 12 days/mo 10 days Lump sum not to exceed one year	Life No effect	No effect	Credited to maximum sentence to advance discharge
N.Y.	1817	Rate determined by good time allowance committee not to exceed 1/3 of the maximum sentence on an indeterminate sentence	Meritorious conduct, extra work	Rate determined by commissioner of corrections	Life No effect	No effect	Credited to maximum sentence to advance conditional release

S. 6h

I State	II Law First Passed	III Rate of Good Time Allowances	IV Types of Additional Good Time Allowances	V Rate of Additional Good Time Allowances	VI Offender Ineligible for Good Time	VII Effect on Parole Eligibility	VIII Effect on Discharge and/or Release
N.C.	1874	Rate determined by commissioner of corrections	Meritorious con- duct, extra work by commissioner of corrections	Rate determined by commissioner of corrections	Life	No effect	Credited to maximum sentence to advance discharge and to minimum sentence to advance conditional release or discharge
N.Dak.	1881	1-2 yr 3-4 yr 5-6 yr 7-10 yr Remaining	60days/yr 75days/yr 90days/yr 105days/yr 120days/yr	Meritorious con- duct Good work re- cord and conduct served	60days/yr 16 2/3 of time Sunday or holi- day work	Life	Credited to maximum sentence to advance discharge
Ohio	1856	1st yr 2nd yr 3rd yr 4th yr 5th yr 6th yr Remaining	5days/mo 6days/no 8day/mo 9days/no 10days/no 11days/no 1ldays/mo	None	None	Life Habitual Murder 1st	Credited to minimum sentence to advance parole eligibility
Oklan.	1905	1-2 yr 3-4 yr Remaining	2mo/yr 3mo/yr 5mo/yr	Work Blood Donation	6 days work/2days 20 days	All eligible	No effect
							Credited to maximum sentence to advance discharge

S. 6i

I State	II Law First Passed	III Rate of Good Time Allowances	IV Types of Additional Good Time Allowances	V Rate of Additional Good Time Allowances	VI Offender Ineligible for Good Time	VII Effect on Parole Eligibility	VIII Effect on Discharge and/or Release
Ore.	1864	6mo-1yr Remaining	5days/no 15days/no	Meritorious con- duct and work in industry	1st yr 15 days work/1 day 2-5 yr 7 days work/1 day Remaining 6 days work/ 1 day	Life	No effect
							Credited to maximum sentence to advance discharge
Penn.	Repealed 1965			Agriculture and work camp	1st yr 10 days work/1 day Remaining 6 days work/ 1 day		
R.I.	1877	1st yr 2nd yr 3rd yr 4th yr Remaining	1day/no 2days/no 3days/no 4days/no 5days/no	Blood Donation Work in Industry	10 days 2 days/no	Life	Time for blood donations only credited to parole eligi- bility
S.C.	1914	15 days/no flat	Extra work	1 day/week Meritorious service	Indeterminate 60 days/yr	No effect Sentence	Credited to maximum sentence to advance discharge

S. 6j

I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Discharge and/or Release
S.Dak.	1881	1-2 yr 2mo/yr 3rd yr 4-10 yr Remaining 6mo/yr	None	None	Life	Credited to minimum sentence of indeterminate sentence and maximum of determinate sentence to advance parole eligibility	Credited to maximum sentence to advance discharge
Tenn.	1856	1st yr 1mo/yr 2nd yr 2mo/yr 3-10 yr 3mo/yr Remaining 4mo/yr	Honor time	2 mo/yr	All eligible	Credited to minimum sentence to advance parole eligibility	Credited to maximum sentence to advance discharge
Texas	1881	Class I 20days/mo Class II 10days/no Class III None	Trusty Blood Donation	30 days/mo 30 days	All eligible	Credited to minimum sentence to advance parole eligibility	Credited to maximum sentence to advance discharge
Utah Rescinded 1957							
Vt.	1867	5 days/mo flat	Meritorious work conduct, special services	5 days/mo	All eligible	Credited to minimum sentence to advance parole eligibility	Credited to maximum sentence to advance discharge

S. 6k

I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Discharge and/or Release
Va.	1886	10 days for every 20 days served	Vocational or educational training	1 day/mo	Life	Only allowance for blood donations and extraordinary services are credited to advance parole eligibility	Credited to maximum sentence to advance discharge
			Blood Donations	Lump sum to be determined by state board of parole			
Wash.	1868	Good time credits fixed by Board of Prison Terms and Paroles not to exceed 1/3 of sentence	Parole Board may reduce minimum			Criminally Insane Sexual Psychopath	Credited to minimum sentence to advance parole eligibility
W.Va.	1868	1 yr 1-3 yrs 3-5 yrs 5-10 yrs Remaining	5days/mo 6days/mo 7days/mo 8days/mo 10days/mo	Meritorious conduct	9½ days/mo	Life	No effect
Wisc.	1860	1st yr/1mo 2nd yr/2mo 3rd yr/3mo 4th yr/4mo 5th yr/5mo Remaining	Diligent labor and/or study	5 days/mo	Life	No effect	Credited to maximum sentence to advance mandatory conditional release

I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Discharge and/or Release
Xyo.	1893	30 days/yr flat time	Special good time	Determined by Parole Board	Life	Credited to maximum sentence to advance parole eligibility	Credited to maximum sentence to advance discharge
Guam	Unknown	None	None	All eligible	Credited to maximum sentence to advance parole eligibility	No effect	No effect

Federal	1867	6mo-1yr 5days/mo 1-3 yrs 6days/mo 3-5 yrs 7days/mo 5-10 yrs 8days/mo Remaining 10days/mo	Camp good time, Work release Good time, Community Treatment Center Industrial Good time, Meritorious good time, special award good time; Good time earned at other state institutions: Military, state, D.C.	1st yr 3days/mo 2nd and Remaining 5days/mo	All eligible	No effect	Credited to maximum sentence to advance conditional release
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### GOOD TIME ALLOWANCES FOR STATE DEPARTMENTS OF CORRECTIONS (1979)

I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Discharge and/or Release
Alab	1843	6 mo-1 yr--8 days/mo 1-3 yrs--10 days/mo 3-5 yrs--11 days/mo 5-10 yrs--13 days/mo remaining--15 days/mo	Meritorious Conduct Industrial-ness	1 day for each day served while in incentive good time status	Life w/o Parole	None	Credited to maximum sentence to advance discharge
Ales	1960	6 mo-1 yr--5 days/mo 1-3 yrs--6 days/mo 3-5 yrs--7 days/mo 5-10 yrs--8 days/mo remaining--10 days/mo	Meritorious Conduct	Up to 5 days/mo	Habitual Murder 1st Sexual Drug	None	Credited to maximum sentence to advance discharge
Ariz	1901	1-2 yrs--60 days/yr 3-4 yrs--120 days/yr 5 yrs--150 days/yr remaining--150 days/yr	None	Not applicable	Sexual Drug	None	Credited to minimum sentence to advance parole eligibility
Ark	1867	Class I--30 days/mo Class II--20 days/mo Class III--8 days/mo Class IV--None	None	Not Applicable	Life	Credited to minimum sentence to advance parole eligibility	Credited to maximum sentence to advance discharge
Cal	1977	1/3 time taken off sentence upon entering institution	None	Not Applicable	Escape Status	Credited to minimum and maximum sentence to advance parole	Credited to minimum sentence to advance discharge
Colo	1876	Good Time--30 days/mo Earned Time--15 days every six months	Blood donations Meritorious Conduct	5 days/mo	Escape Status	Credited to minimum sentence to advance parole	Credited to minimum sentence to advance discharge

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I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Dis- charge and/ or Release
Conn	1862	1-5 yrs--5 days/mo 6 yrs and remaining-- 7 1/4 days/mo	Meritorious Conduct	5 days/mo	All Eligible	Credited to mini- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
Del	1891	5 days/mo	Meritorious Conduct	5 days/mo	Life Habitual Murder 1st	Credited to maxi- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
D. C.	1901	1 mo-1 yr--5 days/mo 1-3 yrs--6 days/mo 3-5 yrs--7 days/mo 5-10 yrs--8 days/mo 10 yrs and remaining-- 10 days/mo	Volunteered Psychological or Medical Ex- periments Meritorious Conduct	3 days/mo	Life	None	Credited to maxi- mum sentence to advance discharge
Fla	1871	1-2 yrs--3 days/mo 3-4 yrs--6 days/mo 5 yrs and remaining-- 9 days/mo	Work Gain Time Extra Gain Time Compensatory Gain Time	Up to 30 days/mo Up to 6 days/mo Up to 6 days/mo	Those with Mandatory Minimum Sen- tences	None	Credited to maxi- mum sentence to advance discharge
Ga	1856	Habitual Offenders-- 1 day for every 2 served	None	Not Applicable	Life	None	Credited to maxi- mum sentence to advance discharge
Non-habitual-- 1 day for every 1 served							
Ha	No Law						

S. 7b

I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Dis- charge and/ or Release
Idaho	1873	3 mos/yr	Meritorious Conduct	Up to 5 days/mo	Life	None	Credited to maxi- mum sentence to advance discharge
Ill	1863	1 yr--1 mo/yr 2 yrs--2 mo/yr 3 yrs--3 mo/yr 4 yrs--4 mo/yr 5 yrs--5 mo/yr 6 yrs and remaining-- 6 mo/yr	Meritorious Conduct Compensatory Credit	Up to 90 days/yr 7 1/2 days/mo	Life Habitual Sexual	Credited to mini- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
Ind	1861	Class I--30 days/mo Class II--20 days/mo Class III--none	None	Not Applicable	Life	Credited to mini- mum and maximum sentence to ad- vance parole eligibility	Credited to mini- mum sentence to advance discharge
Iowa	1878	1 yr--1 mo/yr 2 yrs--2 mo/yr 3 yrs--3 mo/yr 4 yrs--4 mo/yr 5 yrs--5 mo/yr remaining--6 mo/yr	Honor Time	10 days/mo	Life Murder 1st	None	Credited to maxi- mum sentence to advance discharge
Kan	1867	1 yr--2 mo/yr 2 yrs--4 mo/yr 3 yrs and remaining-- 6 mo/yr	Meritorious Conduct	30 days per incident	Life Murder 1st	Credited to mini- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
Ky	1876	10 days/mo	Meritorious Conduct	Up to 5 days/mo	Life Habitual	None	Credited to maxi- mum sentence to advance discharge

I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Dis- charge and/ or Release
La	1842	15 days/mo	None	Not Applicable	Habitual	None	Credited to maxi- mum sentence to advance discharge
Nd	1916	5 days/mo	Industrial Credit	5 days/mo	All Eligible	None	Credited to maxi- mum sentence to advance discharge
Mass	1857	4 mo-1 yr--2½ days/mo 1-2 yrs--5 days/mo 2-3 yrs--7½ days/mo 3-4 yrs--10 days/mo remaining--12½ days/mo	Blood Donations	Less than 1 yr-- 5 days/donation Over 1 yr--10 days/donation	Sexual	Credited to mini- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
Mich	1857	1-2 yrs--5 days/mo 3-4 yrs--6 days/mo 5-6 yrs--7 days/mo 7-9 yrs--9 days/mo 10-14 yrs--10 days/mo 15-19 yrs--12 days/mo remaining--15 days/mo	Incentive Good Time For Certain Work Assign- ments	1 day for each 4 days worked Murder 1st	Life Habitual	Credited to mini- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
Minn	1867	1 mo-1 yr--5 days/mo 1-2 yrs--7 days/mo 2-3 yrs--9 days/mo remaining--10 days/mo	None	Not Applicable	All Eligible	None	Credited to maxi- mum sentence to advance discharge
Miss	1892	Class I--30 days/mo Class II--20 days/mo Class III--8 days/mo Class IV--none	Executive Order	Governor	All Eligible	Credited to maxi- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
No	1879	None since 01/79-- Parole provided after serving 2/3 of the sentence	None	Not Applicable	Life Murder 1st	None	Credited to maxi- mum sentence to advance parole eligibility
Mont	1877	Up to 20 days/mo In- side Walls Up to 25 days/mo Out- side Walls	None	Not Applicable	All Eligible	Credited to mini- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
Nebr	1873	1-2 yrs--2 mo/yr 3 yrs--3 mo/yr 4 yrs and remaining-- 4 mo/yr	Faithful Performance	5 days/mo	Life	Credited to mini- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
N. H.	1867	90 days/yr	Meritorious Conduct	5 days/mo	Weapons Aggravation	Credited to mini- mum sentence to advance parole eligibility	Credited to maxi- mum and minimum sentence to ad- vance discharge

S. 7c

S. 7d

I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Dis- charge and/ or Release
Nev	1887	1-2 yrs--2 mo/yr 3-4 yrs--4 mo/yr 5 yrs and remaining-- 5 mo/yr	Blood Donation Work or Edu- cational Credit	2/5 of 1 day/ donation up to 10 days/mo	All Eligible	Credited to mini- mum and maximum sentence to ad- vance parole eligibility	Credited to maxi- mum sentence to advance discharge
N.J.	1868	See Attached	Work Credits Minimum Security In- mates	1 day for each 5 worked 1st yr--3 days/mo Subsequent yrs-- 5 days/mo	Sexual Juvenile	Credited to mini- mum and maximum sentence to ad- vance parole eligibility	Credited to maxi- mum sentence to advance discharge
N.M.	1889	12 days/mo	Meritorious Conduct Work and Con- duct Perform- ance	12 days/mo Up to Classi- fication com- mittee	All Eligible	Credited to maxi- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance parole eligibility
N.Y.	1877	Sentence reduced -by 1/3	None	Not Applicable	Life	None	Credited to maxi- mum sentence to advance discharge
N.C.	1874	150 days/yr	Meritorious Conduct Gain Time:	30 or more days/yr I--3 days/mo II--5 days/mo III--8 days/mo Emergency Credits	Pre-trial Safekeepers Split Sen- tences	Credited to mini- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
N.D.	1881	1-2 yrs--6 days/mo 3-5 yrs--7 days/mo 5-10 yrs--8 days/mo remaining--10 days/mo	Available; referred to as "merely "additional good time"	Same as regular allowances	All Eligible	None	Credited to maxi- mum sentence to advance parole eligibility
Ohio	1856	1 yr--5 days/mo 2 yrs--6 days/mo 3 yrs--8 days/mo 4 yrs--9 days/mo 5 yrs--10 days/mo remaining--11 days/mo	None	Not Applicable	Life	Credited to mini- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
Oklahoma	1905	1 day for each day worked	Blood Donation	20 days per pint	Life	None	Credited to maxi- mum sentence to advance discharge
Ore	1864	6 mo-1 yr--1 day for each 6 served 1 yr and remaining-- 1 for every 2 served	Meritorious Conduct Participation in Prison Industries	2-4 yrs--1 day for every 6 served; 5 yrs and remaining--1 for every 5 served	Life	None	Credited to maxi- mum sentence to advance discharge
Penn			Agricultural Forestry Camp	1 yr-1 for every 10 served; re- maining--1 for every 6 served 1 yr--1 day for every 6 served; remaining--1 for every 4 served			

I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Dis- charge and/ or Release
N. D.	1881	1-2 yrs--6 days/mo 3-5 yrs--7 days/mo 5-10 yrs--8 days/mo remaining--10 days/mo	Available; referred to as "merely "additional good time"	Same as regular allowances	All Eligible	None	Credited to maxi- mum sentence to advance parole eligibility
Okla	1905	1 day for each day worked	Blood Donation	20 days per pint	Life	None	Credited to maxi- mum sentence to advance discharge
Ore	1864	6 mo-1 yr--1 day for each 6 served 1 yr and remaining-- 1 for every 2 served	Meritorious Conduct Participation in Prison Industries	2-4 yrs--1 day for every 6 served; 5 yrs and remaining--1 for every 5 served	Life	None	Credited to maxi- mum sentence to advance discharge
Penn			Agricultural Forestry Camp	1 yr-1 for every 10 served; re- maining--1 for every 6 served 1 yr--1 day for every 6 served; remaining--1 for every 4 served			

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S. 7f

S. 7g

I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Ineligible for Good Time	Effect on Parole Eligibility	Effect on Dis- charge and/ or Release
R. I.	1877	1 yr--1 day/mo 2 yrs--2 days/mo 3 yrs--3 days/mo 4 yrs--4 days/mo remaining--5 days/mo	Blood Dona- tion Meritorious Conduct	10 days/mo Up to 3 days/mo	Life Murder 1st	Credited to maxi- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
S. C.	1914	15 days/mo	Meritorious Conduct Earned Work	30 days every 6 months	Youthful Offenders	Credited to maxi- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
S. D.	1881	1-2 yrs--2 mo/yr 3 yrs--3 mo/yr 4-9 yrs--4 mo/yr remaining--6 mo/yr	None	Not Applicable	Life	Credited to maxi- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
Tenn.	1836	1 yr--1 mo/yr 2 yrs--2 mo/yr 3-10 yrs--3 mo/yr remaining--4 mo/yr	Incentive Time	Up to 5 days/mo	All Eligible	Credited to mini- mum and maximum sentence to ad- vance parole eligibility	Credited to mini- mum and maximum sentence to ad- vance discharge
Tex.	1881	State Approved Trusty 30 days/mo Class I--20 days/mo Class II--10 days/mo Class III--none	Meritorious Conduct	Up to Governor	Those on Shock Pro- bation	Credited to maxi- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
Utah	Repealed 1957						
Vt.	1867	10 days/mo	Meritorious Conduct	Up to 5 days/mo	All Eligible	Credited to mini- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
Va.	1886	1/3 taken off sentence	Participation in Volunteered Psy- chological or Medical Experi- ments Blood Donation Meritorious Conduct	Up to Governor	Indeterminate Sentences	Credited to mini- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
Wash.	1888	Set by Board of Prisons Terms and Paroles not to exceed 1/3 of sentence	None	Not Applicable	Escape Status	Credited to mini- mum sentence to advance parole eligibility	Credited to maxi- mum sentence to advance discharge
W. Va.	1868	Class I--20 days/mo Class II--10 days/mo Class III--none	Meritorious Conduct	Up to Governor	Life	None	Credited to maxi- mum sentence to advance discharge
Wisc.	1860	1 yr--1 mo/yr 2 yrs--2 mo/yr 3 yrs--3 mo/yr 4 yrs--4 mo/yr 5 yrs--5 mo/yr remaining--6 mo/yr	Diligence in Labor or Study	5 days/mo	Life	None	Credited to maxi- mum sentence to advance discharge

S. 7h

I	II	III	IV	V	VI	VII	VIII
State	Law First Passed	Rate of Good Time Allowances	Types of Additional Good Time Allowances	Rate of Additional Good Time Allowances	Offender Eligible for Good Time	Effect on Parole Eligibility	Effect on Discharge and/or Release
N.Y.	1893	10 days/mo	Meritorious Conduct	Determined by Parole Board	Life	None	Credited to maximum sentence to advance discharge

## STATUTORY SOURCES OF S. 6 and S. 7

Alabama: Code of Ala., Tit. 45, §253, 254, 255, 256.

Arizona: Ariz. Rev. Stat. Ann., §31-251, 31-252, 31-253.

Arkansas: Ark. Stats. Ann., §46-120.

Colorado: Colo. Rev. Stat. 1963, 105-4-7.

Connecticut: Conn. Gen. Stat. Ann., §18-7.

Delaware: 10 Del. Code Ann., §4372.

District of Columbia: D. C. Code Enc., §24-405.

Florida: Fla. Stat. Ann., §944.27, 944.28, 944.29.

Georgia: Ga. Code Ann., §77-320.

Idaho: Idaho Code, §20-101A, 20-101B.

Illinois: Smith-Hurd Ill. Ann. Stat. ch. 108, §45.

Indiana: Burns' Ind. Ann. Stat., §13-116, 13-116a, 13-117.

Iowa: Kan. Stat. Ann. 62-2241, 62-2245.

Kentucky: Ky. Rev. Stat. Ann. 195-045.

Louisiana: La. Stat. Ann. - Rev. Stat. 15-571.3, 15:571.4.

Maine: 7 Me. Rev. Stat. Ann., §705, 865.

Maryland: Md. Code Ann. Supp. Art. 27, §700.

Massachusetts: Mass. Gen. Laws Ann. Code Ch. 127, §129.

Michigan: Mich. Comp. Laws Ann., §800.33.

Minnesota: Minn. Stat. Ann., §243.18.

Mississippi: Miss. Code Ann., §7944.

Missouri: Vernon's Ann. Mo. Stat., §216.355.

Montana: Rev. Code Mont., §80-1905.

Nebraska: Neb. Rev. Stat. Supp. 1971, §83-1107, 83-1108, 83-1109.

Nevada: Nev. Rev. Stat. 209.280, 209.255.

New Hampshire: N. H. Rev. Stat. Ann. 607:51a, b, c.

New Jersey: N. J. Stat. Ann. 30:4-140.

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New Mexico: N. Mex. 1953 Comp. Laws. §42-1-54.

New York: McKinney Counsel. Laws of N. Y., Correctional Law  
Art. 9. §230.

**North Carolina: N. C. Gen. Stat. §148-13.**

**North Dakota: No. Dak. Cent. Code 12-54-01, 12-54-02.**

**Ohio: Ohio Rev. Code Ann. Supp., §2967.19.**

Oklahoma: 15 Okla. Stat. Ann., §138.

Oregon: Or. Rev. Stat. 421.120.

Rhode Island: R. I. Gen. Laws 1956, §13-2-44.

South Carolina: S. C. Code 1962, §55-8, 55-11.

South Dakota: So. Dak. Compiled Laws 24-2-15

Tennessee: Tenn. Code Ann. §41-332.

Texas: Vernon's Ann. Tex. Civ. St. Art. 61841. Texas C.C.P., Art. 42.12.

**Vermont: 1 Vt. Stat. Ann., §252.**

**Virginia: Va. Code 19. §53-213.**

Washington: Rev. Code Wash. Ann. 9.95.070.

**West Virginia: W. Va. Code 28-5-27**

**Wisconsin: Wis Stat Ann §7-325**

Federal: 18 U.S.C.A. §4161

S. 9

BOARD OF PARDONS AND PAROLES  
LIFE SENTENCE  
PAROLED DURING 9-75 - 8-77

No. of Cases	Offense	Average Time Credit on Sentence*	Habitual Criminal
56	Burglary	22 years, 3 months	56 or 100%
12	Forgery	22 years, 5 months	12 or 100%
59	Murder	26 years, 5 months	0
11	Narcotic	19 years, 6 months	7 or 64%
16	Rape	27 years, 0 months	0
33	Robbery	22 years, 4 months	19 or 58%
31	Theft	21 years, 5 months	31 or 100%
8	Miscellaneous	26 years, 10 months	7 or 88%
226 Total Cases		23 years, 5 months	132 or 58%

\*Slightly over one-half ( $\frac{1}{2}$ ) of the total credit is actual calendar time served. The remaining credit is "good time" credit given by the Texas Department of Corrections for good behavior.

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BOARD OF PARDONS AND PAROLES  
LIFE SENTENCE  
PAROLED FOR FIRST TIME 9-77 - 8-79

No. of Cases	Offense	Average Time Credit on Sentence*	Habitual Criminal
16	Burglary	22 years, 8 months	16 or 100%
4	Forgery	22 years, 0 months	4 or 100%
36	Murder	25 years, 8 months	0
5	Narcotic	21 years, 0 months	5 or 100%
11	Rape	27 years, 8 months	0
19	Robbery	22 years, 2 months	12 or 63%
5	Theft	24 years, 6 months	5 or 100%
4	Miscellaneous	28 years, 0 months	0
100 Total Cases		24 years, 2 months	42 or 42%

\*Slightly over one-half ( $\frac{1}{2}$ ) of the total credit is actual calendar time served. The remaining credit is "good time" credit given by the Texas Department of Corrections for good behavior.

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TEXAS DEPARTMENT OF CORRECTIONS  
LIFE SENTENCES  
PAROLED 9/01/77 THROUGH 5/31/79

No. of Cases	Offense	Avg. Flat Time on Sentence	Avg. Good Time on Sentence	Total Time on Sentence	Percent Habitual	% Non-Habitual
1	Charge not clear	10 yrs. 4 mo.	6 yrs. 0 mo.	16 yrs. 3 mo.	5%	95%
38	Homicide	15 yrs. 8 mo.	11 yrs. 5 mo.	27 yrs. 0 mo.		
10	Sexual Assault	16 yrs. 6 mo.	12 yrs. 1 mo.	28 yrs. 7 mo.		
21	Robbery	13 yrs. 10 mo.	10 yrs. 6 mo.	24 yrs. 4 mo.	62%	38%
1	Assault	11 yrs. 11 mo.	10 yrs. 6 mo.	22 yrs. 5 mo.	100%	0%
14	Burglary	13 yrs. 3 mo.	9 yrs. 4 mo.	22 yrs. 7 mo.	100%	0%
5	Larceny	13 yrs. 9 mo.	11 yrs. 0 mo.	24 yrs. 9 mo.	100%	0%
5	Forgery	13 yrs. 0 mo.	10 yrs. 6 mo.	23 yrs. 6 mo.	100%	0%
1	Fraud					
	Activity	7 yrs. 6 mo.	9 yrs. 9 mo.	20 yrs. 3 mo.	100%	0%
4	Drugs	12 yrs. 10 mo.	9 yrs. 2 mo.	22 yrs. 0 mo.	50%	50%
1	Escape	11 yrs. 0 mo.	5 yrs. 11 mo.	16 yrs. 11 mo.	100%	0%
101 TOTAL		14 yrs. 6 mo.	10 yrs. 8 mo.	25 yrs. 2 mo.		

S. 12

TEXAS DEPARTMENT OF CORRECTIONS  
AVERAGE FLAT TIME SERVED BY INMATES  
PAROLED DURING 1978\*

Maximum Sentence	No. of Inmates	Percent	Average Time Actually Served		
			Yrs.	Mos.	Days
Less than 1 year	0	.00	0	0	0
Less than 2 years	11	.18	0	5	25
Less than 3 years	767	14.48	0	8	3
Less than 4 years	859	16.12	0	11	25
Less than 5 years	493	9.10	1	4	12
Less than 6 years	1,308	23.61	1	8	24
Less than 7 years	279	4.99	2	0	1
Less than 8 years	274	4.80	2	6	5
Less than 9 years	255	4.53	2	10	2
Less than 10 years	33	.57	3	0	1
10-14 years	659	11.65	3	6	6
15-19 years	213	3.69	5	1	9
20-29 years	193	3.32	6	8	13
30-39 years	54	.99	8	10	21
40-49 years	18	.30	10	7	17
50 years and Over	17	.30	13	8	20
Life	79	1.34	15	3	6
<b>TOTAL</b>	<b>5,512</b>	<b>100.00</b>	<b>2</b>	<b>4</b>	<b>3</b>

Data Not Available 3

\*Time served includes flat time, good time, etc.

S. 12a

TEXAS DEPARTMENT OF CORRECTIONS  
AVERAGE TOTAL TIME SERVED  
BY INMATES PAROLED DURING 1978\*

Maximum Sentence	No. of Inmates	Percent	Average Time Actually Served		
			Yrs.	Mos.	Days
Less than 1 year	0	.00	0	0	0
Less than 2 years	11	.18	0	10	13
Less than 3 years	767	14.48	1	2	10
Less than 4 years	859	16.12	1	9	4
Less than 5 years	493	9.10	2	5	19
Less than 6 years	1,308	23.61	3	1	7
Less than 7 years	279	4.99	3	7	8
Less than 8 years	274	4.80	4	6	25
Less than 9 years	255	4.53	5	1	22
Less than 10 years	33	.57	5	5	16
10-14 years	659	11.65	6	4	6
15-19 years	213	3.69	9	2	29
20-29 years	193	3.22	12	0	7
30-39 years	54	.99	15	10	21
40-49 years	18	.30	19	0	10
50 years and Over	17	.30	23	10	1
Life	79	1.34	26	0	28
<b>TOTAL</b>	<b>5,512</b>	<b>100.00</b>	<b>4</b>	<b>2</b>	<b>11</b>

Data Not Available 3

\*Time served includes flat time, good time, etc.

S. 12b

TEXAS DEPARTMENT OF CORRECTIONS  
AVERAGE TOTAL TIME SERVED BY INMATES  
DISCHARGED DURING 1978\*

Maximum Sentence		No. of Inmates	Percent	Average Time Actually Served		
				Yrs.	Mos.	Days
Less than 1 year	10	.27	0	5	20	
Less than 2 years	40	1.09	1	0	29	
Less than 3 years	1,172	33.26	2	0	4	
Less than 4 years	759	20.95	2	11	29	
Less than 5 years	276	7.65	4	0	1	
Less than 6 years	692	19.30	4	11	21	
Less than 7 years	140	3.80	5	11	2	
Less than 8 years	110	3.05	6	10	15	
Less than 9 years	95	2.57	7	10	25	
Less than 10 years	13	.35	9	0	0	
10-14 years	216	5.81	10	3	11	
15-19 years	37	1.01	14	9	26	
20-29 years	22	.58	19	4	5	
30-39 years	3	.08	30	0	5	
40-49 years	2	.05	27	10	4	
50 Years and Over	1	.03	50	0	11	
Life	6	.16	15	3	0	
TOTAL	3,594	100.00	4	2	2	

Data Not Available 4

\*Time served includes flat time, good time, etc.

S. 12c

TEXAS DEPARTMENT OF CORRECTIONS  
AVERAGE FLAT TIME SERVED BY INMATES  
DISCHARGED DURING 1978\*

Maximum Sentence		No. of Inmates	Percent	Average Time Actually Served		
				Yrs.	Mos.	Days
Less than 1 year	10	.27	0	3	3	
Less than 2 years	40	1.09	0	7	4	
Less than 3 years	1,172	33.26	1	1	9	
Less than 4 years	759	20.95	1	8	0	
Less than 5 years	276	7.65	2	2	22	
Less than 6 years	692	19.30	2	8	25	
Less than 7 years	140	3.80	3	2	18	
Less than 8 years	110	3.05	3	9	1	
Less than 9 years	95	2.57	4	3	25	
Less than 10 years	13	.35	5	1	3	
10-14 years	216	5.81	5	8	4	
15-19 years	37	1.01	8	5	6	
20-29 years	22	.58	10	4	27	
30-39 years	3	.08	16	1	3	
40-49 years	2	.05	22	3	20	
50 years and Over	1	.03	29	1	29	
Life	6	.16	8	3	18	
TOTAL	1	100.00	2	3	21	

Data Available 4

\*Time served includes flat time, good time, etc.

TEXAS DEPARTMENT OF CORRECTIONS  
AVERAGE FLAT TIME SERVED BY  
INMATES DISCHARGED DURING 1977\*

Maximum Sentence	No. of Inmates	Percent	Total			Cumulative Percent
			Average Time Actually Served	Yrs	Mos	
Less than 1 year	27	.84	0	3	21	.84
Less than 2 years	76	2.35	0	7	3	3.19
Less than 3 years	1,037	32.10	1	1	9	35.29
Less than 4 years	581	17.98	1	7	27	53.27
Less than 5 years	263	8.14	2	2	23	61.41
Less than 6 years	668	20.67	2	9	2	82.08
Less than 7 years	106	3.28	3	2	25	85.36
Less than 8 years	116	3.59	3	9	21	88.95
Less than 9 years	78	2.41	4	3	27	91.36
Less than 10 years	10	.31	5	1	13	91.67
10-14 years	211	6.53	5	9	6	98.20
15-19 years	32	.99	7	11	21	99.19
20-29 years	15	.46	11	4	29	99.65
30-39 years	5	.15	18	11	16	99.80
40-49 years	0	.00	0	0	0	99.80
50 and Over	0	.00	0	0	0	99.80
Life	6	.19	6	5	22	100.00
TOTAL	3,231	100.00	2	4	0	100.00

Data not available 9

\*Time served excludes good time, etc.

TEXAS DEPARTMENT OF CORRECTIONS  
AVERAGE TOTAL TIME SERVED BY  
INMATES DISCHARGED DURING 1977\*

Maximum Sentence	No. of Inmates	Percent	Total			Cumulative Percent
			Average Time Actually Served	Yrs	Mos	
Less than 1 year	27	.84	0	6	20	.84
Less than 2 years	76	2.35	1	1	0	3.19
Less than 3 years	1,037	32.10	2	0	1	35.29
Less than 4 years	581	17.98	2	11	25	53.27
Less than 5 years	263	8.14	3	11	24	61.41
Less than 6 years	668	20.67	4	11	17	82.08
Less than 7 years	106	3.28	5	9	28	85.36
Less than 8 years	116	3.59	6	11	23	88.95
Less than 9 years	78	2.41	8	0	4	91.36
Less than 10 years	10	.31	9	0	0	91.67
10-14 years	211	6.53	10	2	27	98.20
15-19 years	32	.99	14	6	7	99.19
20-29 years	15	.46	19	10	4	99.65
30-39 years	5	.15	31	9	27	99.80
40-49 years	0	.00	0	0	0	99.80
50 and Over	0	.00	0	0	0	100.00
Life	6	.19	11	1	20	100.00
TOTAL	3,231	100.00	4	2	9	100.00

Data Not Available

\*Time served includes flat time, good time, etc. 9

TEXAS DEPARTMENT OF CORRECTIONS  
AVERAGE FLAT TIME SERVED BY  
INMATES PAROLED DURING 1977\*

Maximum Sentence	No. of Inmates	Percent	<u>Total</u>			Cumulative Percent
			Average Time Actually Served	Yrs	Mos	
Less than 1 year	0	.00	0	0	0	.00
Less than 2 years	6	.09	0	5	0	.09
Less than 3 years	822	12.42	0	8	1	12.51
Less than 4 years	1,066	16.11	1	0	18	28.62
Less than 5 years	608	9.19	1	5	3	37.81
Less than 6 years	1,674	25.29	1	9	10	63.10
Less than 7 years	300	4.53	2	1	9	67.63
Less than 8 years	275	4.15	2	6	7	71.78
Less than 9 years	246	3.72	2	11	3	75.50
Less than 10 years	36	.54	3	2	25	76.04
10-14 years	803	12.13	3	10	16	88.17
15-19 years	255	3.85	5	0	15	92.02
20-29 years	278	4.20	6	11	0	96.22
30-39 years	59	.89	8	6	9	97.11
40-49 years	16	.24	10	7	7	97.35
50 and Over	56	.85	13	5	16	98.20
Life	119	1.80	14	1	19	100.00
<b>TOTAL</b>	<b>6,619</b>	<b>100.00</b>	<b>2</b>	<b>7</b>	<b>1</b>	<b>100.00</b>

Data Not Available 83

\*Time served excludes good time, etc.

TEXAS DEPARTMENT OF CORRECTIONS  
AVERAGE TOTAL TIME SERVED BY  
INMATES PAROLED DURING 1977\*

Maximum Sentence	No. of Inmates	Percent	<u>Total</u>			Cumulative Percent
			Average Time Actually Served	Yrs	Mos	
Less than 1 year	0	.00	0	0	0	.00
Less than 2 years	6	.09	0	8	25	.09
Less than 3 years	822	12.42	1	1	23	12.51
Less than 4 years	1,066	16.11	1	10	15	28.62
Less than 5 years	608	9.19	2	6	24	37.81
Less than 6 years	1,674	25.29	3	2	9	63.10
Less than 7 years	300	4.53	3	9	6	67.63
Less than 8 years	275	4.15	4	6	15	71.78
Less than 9 years	246	3.72	5	3	12	75.50
Less than 10 years	36	.54	5	9	13	76.04
10-14 years	803	12.13	6	11	2	88.17
15-19 years	255	3.85	9	0	20	92.02
20-29 years	278	4.20	12	4	12	96.22
30-39 years	59	.89	15	2	4	97.11
40-49 years	16	.24	18	10	6	97.35
50 and Over	56	.85	23	11	23	98.20
Life	119	1.80	24	5	12	100.00
<b>TOTAL</b>	<b>6,619</b>	<b>100.00</b>	<b>4</b>	<b>7</b>	<b>9</b>	<b>100.00</b>

Data not available 83

\*Time served includes flat time, good time, etc.

## **FACTORS AFFECTING THE PAROLE DECISION IN TEXAS**

### **PAROLE PANEL REVIEW**

The Board of Pardons and Paroles desires that each inmate eligible for parole receive a personal interview from a decision maker in matters of parole. For this reason, the Board assigns each parole case to a Parole Commissioner located in Huntsville, Angleton or Palestine. The Parole Commissioner reviews all of the file material and may personally interview the inmate. He then casts a decision vote regarding the case. The Commissioner is acting as a member of a three-member Parole Panel when he carries out this function. After casting his decision vote, the file is passed on to another member of the Parole Panel. If two of the three members of the Parole Panel recommend parole, the file is then forwarded to the Governor marked "Parole Subject to Approved Release Plan", and a field investigation of the inmate is ordered. It is then up to the Governor if parole is to be granted. However, up to the time the parole certificate is signed by the inmate, the Board can withdraw its recommendation for parole. At this point we will consider the factors affecting the decision made by the Parole Panel.

#### **Factors Affecting the Parole Decision**

The decision of the Parole Panel comes after a close evaluation of the inmate to determine his or her readiness to re-enter the free world. No offender should be paroled until it can be shown that it is for the better interest of the community to have him back than to keep him in prison. Release should be effected as soon as possible but only if it is in the public interest. The parole law recognizes this when it says "a prisoner shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and when the Board believes that he is able and willing

to fulfill the obligations of a law abiding citizen."

The evaluation by the Parole Panel involves various factors, none of which taken alone is controlling, but all of which must be considered along with, and as a part of, the case as a whole.

The first step in considering an inmate for parole is to determine the readiness of the offender for parole. Some of the factors considered are discussed below.

**1. Developmental and criminal history** constituting the behavior pattern should give insight into the underlying cause of how criminal habit patterns and attitudes developed. Several convictions for major crimes will reduce the chances for parole. Minor offenses tend to show a pattern of maladjustment.

**2. The habitual excessive use of either alcohol or narcotics** may indicate serious character disorder, psychotic or psychopathic tendencies or other emotional problems. The use of either does not contribute to a successful parole adjustment.

**3. The inmate's attitude toward the crime committed and the future** may indicate the degree to which he has developed a sense of proportion and his ability to place the proper values upon the proper things. The ability to recognize his criminal actions as socially unacceptable, coupled with a sincere desire to improve, is viewed as a definite asset.

**4. Adjustments and improvements while in prison.** A clear conduct record is not, in itself, sufficient grounds for granting parole. Prison adjustment and personal improvement is an important factor. However, the traditional prison program of religion, work, education and discipline, even at its best, will not guarantee rehabilitation nor genuine readiness for parole. A prisoner may participate zealously in the religious program, he may work hard and he may

achieve in educational programs; he may keep a spotless conduct record and yet not be genuinely ready for parole. What he achieves in prison in these areas may not be indicative of real feelings, real attitudes and readiness for society. The inmate must be studied from all possible angles to determine if his good behavior is for the benefit of the Parole Board or is actually indicative of a real desire to change.

**5. Sexual Deviation.** Crimes involving sex are classified as situational or as an indication of character, personality or emotional disorder. The manner of commission of the offense and the psychological factors involved are carefully evaluated.

**6. Intellectual and emotional status.** A psychological evaluation may indicate frustration tolerance, positive or negative orientation, self concept, or paranoid drives. Imprisonment has served no purpose if it does not result in some positive change or growth of personality and the change must be motivated by more than a desire for parole. Offenders are of varying intelligence quotient levels and emotional and mental disturbances range from mild neurosis to psychosis. The mental health factor becomes a more difficult problem when cases involve borderline psychotics, psychotics in remission, psychopaths or psychoneurotics.

**7. Family background and marital history** are carefully evaluated and viewed as a factor in rating stability and maturity. The mere fact that an inmate's spouse has filed for, or has received, a divorce will not affect his parolability. The destitute condition of the inmate's family has no bearing on his fitness for parole or Executive Clemency and will not be considered, in itself, as grounds for release.

**8. Psychological Summary —** Psychological evaluation will help determine intellectual and emotional stability.

**9. Point Incentive Program Ratings.** In 1959, the Texas Department of Corrections initiated a Point Incentive Program to encourage inmates to engage in self-improvement activities. Ratings are made on a quarterly basis by wardens, supervisors and directors of the various self-improvement programs, and are referred to as P.I.P. Ratings. Points can be earned for work, conduct, attitude, educational, and recreational participation. Participation in Alcoholics Anonymous, choirs, bands, orchestras, etc., are included. P.I.P. Ratings have a distinct bearing upon parole selection, but are not considered alone. The Point Incentive Program is an effort to set goals for inmates, to direct their activities toward the realization of these goals, and to provide a measure of each inmate's progress. If properly executed, the Point Incentive Program should create in the inmate a desire to achieve meaningful goals, assume responsibility for self, and provide intrinsic rewards.

**10. Personal habits and associates of an inmate,** both in prison and out, may reflect his ability to make decisions and to place proper values upon important things.

**11. Educational achievements of an inmate** are rated at the time of entering prison, as well as during his period of incarceration, as positive, negative or neutral. Education in prison should serve to remove illiteracy and to increase the offender's skills to live in society without violating the law.

The Department of Corrections offers elementary and high school education through the Department's Windham School District, junior college coursework, Associate degree programs from neighboring junior colleges, and Bachelor's degrees from several universities. The Department's many vocation programs are considered among the best in the nation.

**12. Age of the inmate at the time of first arrest, and the regularity of involvement in law violations thereafter, have some bearing on parole selection and parole success.** In general, the younger the offender at the time of his first arrest and the greater frequency of violations, the poorer are his chances for parole adjustment. The earlier a pattern is established in life, the more ingrained it becomes and the more difficult it is to change. The peak age of reformation is generally accepted to be between the ages of twenty and thirty-five. If crime is still pursued after that age, there is usually a decreasing possibility of reform.

**13. Military record** is evaluated as it reflects behavior adaptability and attitude towards authority.

**14. Time served on a sentence** is considered, along with all other factors, to determine whether or not parole will be granted at primary eligibility, during the intermediate period or during the terminal period of the sentence. Time served, in itself, is not considered as grounds for parole.

The Primary Period is that time when legal parole eligibility is first reached, that is, when the inmate has received credit for the minimum time set by the parole law. The Board must decide whether or not the inmate is entitled to parole at reaching the minimum eligibility. During the Intermediate Period of the sentence the Board searches for improvements, maturation and stabilization factors. The Terminal Period, shortly before the end of sentence, is when the Board must decide between allowing an unconditional discharge (for those not subject to Mandatory Supervision) from prison with no post-prison supervision, or to allow him to be under parole supervision for the remainder of the sentence for his benefit and for the protection of the public. Under the provisions of the Mandatory Supervision law, all inmates whose crimes were committed on or after August 29, 1977, who are not

otherwise paroled, will be under post-prison supervision.

The second step in the parole decision is consideration of the type and seriousness of the offense, the number of prior commitments and the manner in which each offense was committed. Statistics show that certain crimes are more recidivistic than others. All offenses are considered from the standpoint of the danger to society. Every detail of the manner of commission of the offense is part of the prisoner's personality and may help to predict future conduct.

The third step is the consideration of the readiness of the community to receive the parolee. The willingness of the offender's family to take him back can be important. The attitudes of the sentencing judge, the district attorney and local law-enforcement officials are often reflections of community sentiment, and are weighed in the matter of selection for parole as required by the parole law.

After a complete analysis and study of all available information, the Parole Panel makes its decision guided by the general rules that an inmate should not be released upon parole:

1. If the assaultive potential is high
2. If there is substantial risk that he will not conform to the conditions of parole
3. If release at that time would have a substantial adverse effect on prison discipline
4. If release at that time would depreciate the seriousness of the offense or promote disrespect for the law or the system of parole
5. If there is need for continued care (physical or mental) or continued vocational training.

**TEXAS  
BOARD OF PARDONS  
AND PAROLES**

**THIRTY-FIRST  
ANNUAL  
STATISTICAL REPORT**

**September 1, 1977 through August 31, 1978**

**SUMMARY CHART OF PAROLE PANEL ACTIVITY  
DURING THE FISCAL YEAR ENDING AUGUST 31, 1978**

**A. PAROLE ACTIONS (Tables 2, 3 & 9)**

1. Number of cases considered	18,922
2. Number of paroles / conditional pardons recommended to Governor <sup>1</sup>	5,718
3. Number of inmates paroled / conditionally pardoned	4,948

**TABLE 2**

**CLASSIFICATION OF PAROLE ACTIONS IN  
FISCAL YEAR ENDING AUGUST 31, 1978**

Review Classification	Number Considered	Number F'D	Number Set-Off	Number Serve-All
Initial Reviews	8,554 (100%)	2,227 (26%)	4,928 (58%)	1,349 (16%)
Subsequent Reviews	8,368 (100%)	3,362 (40%)	3,235 (39%)	1,771 (21%)
<b>TOTAL REVIEWS</b>	<b>16,922 (100%)</b>	<b>5,639 (33%)</b>	<b>8,163 (48%)</b>	<b>3,120 (19%)</b>

**TABLE 3  
PAROLE PANEL ACTIONS OVER  
A 5-YEAR PERIOD**

Action	FY 74	FY 75	FY 76	FY 77	FY 78	5-Year Ave. 1974-1978
Cases	15,395 (100%)	15,316 (100%)	16,796 (100%)	21,754 (100%)	16,922 (100%)	17,237 (100%)
FI	5,111 (33%)	5,186 (34%)	5,629 (34%)	8,854 (41%)	5,639 (33%)	6,084 (35%)
Set-Off	7,806 (51%)	7,565 (49%)	7,882 (47%)	9,666 (44%)	8,163 (48%)	8,216 (48%)
Serve-All	2,478 (16%)	2,565 (17%)	3,285 (19%)	3,234 (15%)	3,120 (19%)	2,936 (17%)
Paroled <sup>1</sup>	4,237 <sup>2</sup> (28%)	4,788 <sup>2</sup> (31%)	4,248 <sup>2</sup> (25%)	7,580 <sup>2</sup> (35%)	4,948 <sup>3</sup> (29%)	5,160 (30%)

<sup>1</sup> Includes Conditional Pardons to United States Immigration Service

<sup>2</sup> Number of Parole Certificates issued

<sup>3</sup> Number of Parolees released

**TABLE 4**

**REVOCATION OF PAROLES AND CONDITIONAL PARDONS  
APPLICABLE TO PAROLEES RELEASED DURING THE  
FISCAL YEAR ENDING AUGUST 31, 1978**

No. Paroled FY 78	No. FY 78 Paroles Revoked	Percentage Revoked
4,948	172	3.5%

**TABLE 5**

**REVOCATION OF PAROLES AND CONDITIONAL PARDONS  
APPLICABLE TO ALL PAROLEES UNDER BOARD'S JURISDICTION  
DURING ALL OR PART OF FISCAL YEAR ENDING AUGUST 31, 1978**

No. of Parolees Under Jurisdiction During FY 78	No. Paroles Revoked FY 78	Percentage Revoked
17,597	1,465	8.3%

**TABLE 6**

**REVOCATION OF PAROLES APPLICABLE TO ALL PAROLEES  
UNDER ACTIVE FIELD SUPERVISION DURING ALL OR PART  
OF FISCAL YEAR ENDING AUGUST 31, 1978**

No. of Parolees under Supervision During FY 78	No. of Field Supervised Paroles Revoked FY 78	Percentage Revoked
14,710	1,434	9.7%

**TABLE 7**

**REVOCATION OF PAROLES AND CONDITIONAL PARDONS  
APPLICABLE TO AVERAGE NUMBER UNDER JURISDICTION  
DURING THE FISCAL YEAR ENDING AUGUST 31, 1978**

Average Number Under Jurisdiction During Fiscal Year	Number Revoked	Percentage Revoked
12,809	1,465	11.4%

**TABLE 8**

**REVOCATION OF PAROLES APPLICABLE TO AVERAGE  
NUMBER OF PAROLEES UNDER ACTIVE SUPERVISION DURING  
FISCAL YEAR ENDING AUGUST 31, 1978**

Average Number Under Active Supervision During Fiscal Year	Number Revoked	Percentage Revoked
9,528	1,434	15.1%

**TABLE 9**

**REVOCATION OF PAROLES APPLICABLE TO AVERAGE NUMBER  
OF PAROLEES NOT ACTIVELY SUPERVISED DURING THE  
FISCAL YEAR ENDING AUGUST 31, 1978**

Average Number of Parolees in a Non-Supervised Status During Fiscal Year	Number Revoked	Percentage Revoked
3,281	31	0.9%

**TABLE 10**

**REVOCATION OF PAROLES AND CONDITIONAL PARDONS  
APPLICABLE TO INMATES PAROLED DURING  
THE 31-YEAR PERIOD ENDING AUGUST 31, 1978**

No. Paroled	No. Revoked	Percentage Revoked
72,781	18,071	24.8%

**TABLE 11**

**REVOCATION DATA FOR A FIVE-YEAR PERIOD**

Item	FY 1974	FY 1975	FY 1976	FY 1977	FY 1978
No. Under Jurisdiction For all or Part of Year	11,608	13,151	13,778	17,342	17,597
No. Paroles Revoked During Year	666	612	838	934	1,465
Percentage Revoked	5.7%	4.7%	6.1%	5.4%	8.3%

**TABLE 21****BREAKDOWN OF TDC RELEASES  
OVER A FIVE-YEAR PERIOD**

FISCAL YEAR	TOTAL	DISCHARGED	PAROLED	RELEASED TO MANDATORY SUPERVISION
1974	7,917 (100%)	3,680 (46%)	4,237 (54%)	0 (0%)
1975	7,877 (100%)	3,089 (39%)	4,788 (61%)	0 (0%)
1976	7,702 (100%)	3,454 (45%)	4,248 (55%)	0 (0%)
1977	10,733 (100%)	3,583 (33%)	7,150 (67%)	0 (0%)
1978	8,605 (100%)	3,647 (42%)	4,948 (58%)	10 (0%)

**TABLE 28**

**4,948 INMATES RELEASED ON PAROLE OR CONDITIONAL PARDON DURING THE FISCAL YEAR ENDING AUGUST 31, 1978  
CLASSIFIED ACCORDING TO LENGTH OF SENTENCE RECEIVED  
AND PERCENTAGE OF TIME ACCREDITED TO SENTENCE  
AT TIME OF RELEASE**

CRIME	YEARS	LENGTH OF SENTENCE																		LIFE	TOTAL
		1 to 2	2 to 3	3 to 4	4 to 5	5 to 6	6 to 7	7 to 8	8 to 9	9 to 10	10 to 15	15 to 20	20 to 30	30 to 40	40 to 50	50 to 60	60 & UP	LIFE			
33-40 Pct.	1	137	232	99	237	45	20	18	5	54	17	35	18	8	4	0	0	948			
40-50 Pct.	3	151	158	70	139	33	26	22	4	119	40	44	13	4	9	0	0	835			
50-60 Pct.	3	153	171	95	204	50	56	51	7	132	43	42	8	0	0	0	0	1015			
60-70 Pct.	1	75	140	98	329	65	31	28	4	105	23	22	3	1	1	0	0	926			
70-80 Pct.	0	36	80	76	287	32	62	52	5	90	30	14	1	1	0	3	0	753			
80-90 Pct.	0	11	31	23	78	17	28	31	3	94	20	10	0	0	0	0	0	346			
90-100 Pct.	0	3	1	2	6	1	9	6	1	15	3	4	1	1	1	0	0	54			
15 Years Time Credit or More																		10	30	30	
20 Years Time Credit or More																		4	37	41	
TOTAL	8	580	813	463	1280	243	232	208	29	609	186	171	44	13	15	17	57	4948			

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**TABLE 30**

**PRESENT STATUS OF 72,781 INMATES RELEASED FROM THE TEXAS  
DEPARTMENT OF CORRECTIONS ON PAROLE OR CONDITIONAL  
PARDON DURING THIRTY-ONE YEAR PERIOD ENDING AUGUST 31, 1978**

NOTE: Since the fiscal year 1947-1948, 76% of all persons released on parole or conditional pardons have completed or are completing their parole obligations satisfactorily.

YEARS	COLUMN I Released	COLUMN II Under Jurisdiction	COLUMN III Terminated	COLUMN IV Revoked
1948	747	7	644	96
1949	761	7	629	125
1950	913	23	726	164
1951	1,125	8	862	255
1952	913	20	659	234
1953	759	34	532	193
1954	837	87	542	208
1955	1,247	106	808	333
1956	1,191	61	777	253
1957	894	38	548	308
1958	1,186	49	734	403
1959	1,759	41	1,151	567
1960	2,336	70	1,448	818
1961	2,552	56	1,610	888
1962	2,548	51	1,658	839
1963	2,787	80	1,744	963
1964	3,166	80	1,923	1,163
1965	2,407	52	1,467	868
1966	2,200	67	1,435	698
1967	1,737	78	1,167	492
1968	1,921	68	1,216	637
1969	1,943	95	1,148	700
1970	2,058	111	1,284	663
1971	2,278	148	1,533	567
1972	3,375	296	2,371	706
1973	3,770	431	2,549	790
1974	4,237	543	3,013	681
1975	4,788	866	3,040	882
1976	4,248	1,107	2,417	724
1977	7,150	3,379	2,717	1,064
1978	4,948	4,493	263	172
TOTAL	72,781	12,562	42,635	17,594*

\*Revocation after Reinstatement of Parole is not shown in Column IV.

### EXPLANATION OF TABLE 30

Table 30 shows the present status of inmates released from the Texas Department of Corrections on Paroles or Conditional Pardons during the Thirty-One Year Period beginning September 1, 1947 and ending August 31, 1978.

A total of the number 1 Column (which gives the total number released each year) shows that 72,781 inmates were released during the entire Thirty-One Year Period. A total of the number 2 Column (which gives the number still on Active Parole out of the total released each year) shows that 12,552 inmates released over the Thirty-One Year Period are still serving satisfactorily on Parole or Conditional Pardons. Many inmates have already completed their Paroles or Conditional Pardons and have been discharged from their sentences. A total of the number 3 Column (which gives those terminated satisfactorily out of the total released each year) shows that 42,635 released during the Thirty-One Year Period have already satisfactorily terminated their Paroles or Conditional Pardons. Some Parolees have violated their Paroles or Conditional Pardons and clemency or parole has been revoked. A total of the number 4 Column (which gives those revoked out of the total released each year) shows that 17,594 over the Thirty-One Year Period have been revoked. These were revoked because of new felony convictions or for technical violations of parole.

As can be seen, Columns 2, 3 and 4 are constantly changing from year to year as parolees discharge their sentences or are revoked. For instance, there are at present only 68 parolees out of the 1,921 released in 1968 who are still on Active Parole. The others have discharged their sentences or have been revoked. On the other hand, there are 4,493 out of the 4,948 released in 1978 who are still on active Parole. This is because those released in 1968 have had 10 years to discharge their sentences while on Paroles or Conditional Pardons, while those released in 1978 have had only one year towards discharging their sentences.

STATISTICAL REPORT  
 TEXAS BOARD OF PARDONS AND PAROLES  
 PAROLE PANEL ACTION  
 (Sept. 1, 1978 - Aug. 31, 1979)

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<u>Number of Prior Parole Reviews</u>	<u>Favorable Recommendations ("Further Investigations")</u>	<u>Unfavorable Recommendations ("Serve-Alls" and "Set-Offs")</u>	<u>Totals</u>
0	90	138	228
1	79	44	123
2	36	17	53
3	10	5	15
4	2	4	6
5	1	1	2
6	0	0	0
7	1	1	2
<u>Totals</u>	<u>219</u>	<u>210</u>	<u>429</u>

TOTAL NUMBER OF PERSONS HELD IN STATE AND FEDERAL  
 INSTITUTIONS ON DECEMBER 31, 1977, AND  
 NUMBER AND TYPE OF CONDITIONAL RELEASES FOR SENTENCED  
 PRISONERS IN STATE AND FEDERAL INSTITUTIONS,  
 BY REGION AND STATE, 1977

<u>Persons Held</u>	<u>Persons Conditionally Released</u>					
<u>Divisions, regions and States</u>	<u>12/31/77</u>	<u>Total</u>	<u>Parole</u>	<u>Pro- bation</u>	<u>Supervised mandatory release</u>	<u>Other</u>
<u>United States, Total</u>	<u>291,667</u>	<u>100,230</u>	<u>86,011</u>	<u>4,174</u>	<u>8,842</u>	<u>1,203</u>
Federal institutions, Total	30,920	5,248	3,214	0	2,034	0
State institutions, Total	260,747	94,982	82,797	4,174	6,808	1,203
<u>Northeast</u>						
Maine	40,742	16,154	14,186	104	1,864	0
New Hampshire	666	395	336	59	0	0
Vermont	239	206	206	0	0	0
Massachusetts	416	172	156	4	12	0
Rhode Island	2,825	1,023	1,023	0	0	0
Connecticut	686	172	131	41	0	0
New York	2,965	1,024	1,024	0	0	0
New Jersey	19,369	7,334	5,482	0	1,852	0
Pennsylvania	6,017	3,165	3,165	0	0	0
North Central	7,559	2,663	2,663	0	0	0
	59,269	25,216	22,112	2,008	764	332

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**TOTAL NUMBER OF PERSONS HELD IN STATE AND FEDERAL  
INSTITUTIONS ON DECEMBER 31, 1977, AND  
NUMBER AND TYPE OF CONDITIONAL RELEASES FOR SENTENCED  
PRISONERS IN STATE AND FEDERAL INSTITUTIONS,  
BY REGION AND STATE, 1977**  
(Continued)

Persons Held  Divisions, regions and States	12/31/77	Persons Conditionally Released			
		Total	Parole	Pro- bation	Supervised mandatory release
Ohio	12,846	7,071	5,501	1,238	0
Indiana	4,633	2,411	2,048	363	0
Illinois	10,982	5,230	4,857	81	292
Michigan	13,824	4,430	4,426	4	0
Wisconsin	3,347	1,444	1,064	0	380
Minnesota	1,755	960	953	7	0
Iowa	2,125	585	585	0	0
Missouri	5,302	981	981	0	0
North Dakota	216	115	114	1	0
South Dakota	565	218	185	33	0
Nebraska	1,425	442	388	0	54
Kansas	2,249	1,329	1,010	281	38
 <u>South</u> <u>Delaware</u>	 122,031 1,021	 36,196 277	 30,441 208	 1,360 0	 3,573 69
					822
					0

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**TOTAL NUMBER OF PERSONS HELD IN STATE AND FEDERAL  
INSTITUTIONS ON DECEMBER 31, 1977, AND  
NUMBER AND TYPE OF CONDITIONAL RELEASES FOR SENTENCED  
PRISONERS IN STATE AND FEDERAL INSTITUTIONS,  
BY REGION AND STATE, 1977**  
(Continued)

Persons Held  Divisions, regions and States	12/31/77	Persons Conditionally Released			
		Total	Parole	Pro- bation	Supervised mandatory release
South (Cont.)					
Maryland	8,148	2,847	2,465	0	382
District of Columbia	2,804	1,126	856	0	270
Virginia	7,659	1,703	1,703	0	0
West Virginia	1,250	342	327	9	6
North Carolina	14,189	3,454	3,454	0	0
South Carolina	7,306	2,527	1,975	552	0
Georgia	11,658	2,962	2,488	49	425
Florida	18,713	4,748	2,760	0	1,750
Kentucky	3,661	2,293	1,512	318	463
Tennessee	5,501	1,932	1,204	19	214
Alabama	3,472	832	832	0	0
Mississippi	1,760	852	852	0	0
Arkansas	2,466	1,563	1,536	0	0
Louisiana	5,951	567	567	0	27
					0

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**TOTAL NUMBER OF PERSONS HELD IN STATE AND FEDERAL  
INSTITUTIONS ON DECEMBER 31, 1977, AND  
NUMBER AND TYPE OF CONDITIONAL RELEASES FOR SENTENCED  
PRISONERS IN STATE AND FEDERAL INSTITUTIONS,  
BY REGION AND STATE, 1977**

(Continued)

Persons Held	Divisions, regions and States	12/31/77	Persons Conditionally Released				
			Total	Parole	Pro- bation	Supervised mandatory release	Other
<u>South (Cont.)</u>							
Oklahoma	3,955	1,410	1,000	410	0	0	0
Texas	22,517	6,761	6,702	3	0	56	49
<u>West</u>	38,705	17,416	16,058	702	607	1	1
Montana	621	328	308	19	0	0	0
Idaho	769	507	209	298	0	0	0
Wyoming	400	50	34	16	0	0	0
Colorado	2,317	1,220	1,096	124	0	0	0
New Mexico	1,613	441	441	0	0	0	0
Arizona	2,982	1,195	443	223	502	37	0
Utah	889	294	294	0	0	0	0
Nevada	1,187	387	387	0	0	0	0
Washington	4,282	1,649	1,638	0	0	0	11

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TOTAL NUMBER OF PERSONS HELD IN STATE AND FEDERAL  
INSTITUTIONS ON DECEMBER 31, 1977, AND  
NUMBER AND TYPE OF CONDITIONAL RELEASES FOR SENTENCED  
PRISONERS IN STATE AND FEDERAL INSTITUTIONS,  
BY REGION AND STATE, 1977  
(continued)

(Continued)

Persons Held	Divisions, regions and States	12/31/77	Persons Conditionally Released			
			Total	Parole	Pro- bation	Supervised mandatory release
West (Cont.)						
Oregon	2,935	1,286	1,286	0	0	0
California	19,623	9,776	9,776	0	0	0
Alaska	577	186	81	0	105	0
Hawaii	510	97	75	22	0	0

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